

# REQUEST FOR STATEMENT OF QUALIFICATIONS

*Issued by*



*For*

## FINANCIAL AUDIT SERVICES

RFQ No. 23-03

Proposals to be submitted to the

Coastal Bend Workforce Development Board (d.b.a. Workforce Solutions)

**Issue Date: February 21, 2023, 2:00 pm Central Time**

**RFQ is available February 21, 2023, 2:00 pm Central Time**

**Pre-Proposal Conference: February 27, 2023, 10:00 am Central Time**

**Proposal Submission Date: March 15, 2023, 4:00 pm Central Time**

Procurement is open and subject to the availability of funds.

A proud partner of the  American Job Center network

*Workforce Solutions is an Equal Opportunity employer/program. Historically Underutilized Businesses (HUBs) are encouraged to apply. Auxiliary aids and services are available upon request to individuals with disabilities. Telephone access is available by dialing 711 or you can also call 512.936.0342; (TDD): 1.800.735.2989, Voice 1.800.735.2988.*

This document contains vital information about requirements, rights, determinations, and/or responsibilities for accessing workforce system services. Language services, including the interpretation/translation of this document, are available free of charge upon request.

Este documento contiene información importante sobre los requisitos, los derechos, las determinaciones y las responsabilidades del acceso a los servicios del sistema de la fuerza laboral. Hay disponibles servicios de idioma, incluida la interpretación y la traducción de documentos, sin ningún costo y a solicitud.

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## **PART 1.0 – GENERAL INFORMATION**

### **1.1 Background**

Workforce Solutions Coastal Bend (WFSCB) is a non-profit, tax-exempt organization that serves as the Workforce Board. WFSCB oversees workforce development programs in the Coastal Bend region. As the grant recipient and administrative entity, WFSCB is responsible for the planning, evaluation, and oversight of workforce related programs. WFSCB primarily receives funding from the United States Department of Labor (DOL) through the Texas Workforce Commission (TWC) and manages approximately \$41,400,000 in workforce development programs which are administered through Career Centers for area businesses and residents.

WFSCB serves an 11-county region consisting of the following counties: Aransas, Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, Live Oak, Nueces, Refugio, and San Patricio. The services provided center around the two urban career centers located in Corpus Christi. The other career centers are located in the following cities: Beeville, Alice, Kingsville Sinton, and Rockport. WFSCB also operates a satellite office in the city of Falfurrias.

The WFSCB Board of Directors is made up of 33 members representing various employment sectors and is supported by the board professionals, led by the Chief Executive Officer/President. WFSCB's mission is to invest in the area's regional economic success through access to jobs, training, and employer services. To accomplish this mission the WFSCB has adopted the following strategies:

- Collaborate with industry, education, economic development and labor to develop a comprehensive regional workforce strategic plan,
- Develop a trainable and available workforce,
- Provide workforce-relevant educational and training opportunities for youth,
- Provide child care assistance to eligible families for employment and training activities.

### **1.2 Purpose of Request for Statement of Qualifications (RFQ)**

WFSCB is requesting qualifications from experienced and professional certified public accounting firms or individuals ("Respondent") to provide financial and compliance auditing services for the 2021-2022 fiscal year (October 1, 2021 through September 30, 2022). An annual audit is required of at the end of each fiscal year and the audit work will need to be completed by May 31, 2023.

WFSCB anticipates exploring any viable alternative for providing these services and may decide, after reviewing proposals submitted, not to enter into any agreement.

### **1.3 Eligible Respondents**

Respondents possessing the experience, work performance, and capacity to perform successfully under the terms and conditions of a contract with WFSCB may respond to this RFQ. Minority, disadvantaged, veteran and/or women-owned businesses are encouraged to respond to this RFQ. Respondent must affirmatively demonstrate their responsibility and represent that it meets the following requirements:

- Possess or is able to obtain financial resources required to perform under this solicitation;

- Is able to comply with the solicitation;
- Has a satisfactory record of integrity and ethics; and
- Be otherwise qualified and eligible to receive an award.

Respondents that are presently debarred, suspended, proposed for debarment, or declared ineligible by any federal or state funded agencies are not eligible to respond to the RFQ or receive a contract.

Respondents to the RFQ must be a qualified, and/or certified, must possess the following:

1. Certified Public Accountant credentials;
2. Minimum of five (5) years of relevant prior experience which includes Fund/Grant accounting experience; and
3. Knowledge of federal and state administrative regulations, regulatory requirements, open government, public information issues, policies, employment, finance, contracts, and administrative and judicial litigation.

#### **1.4 History**

WFSCB uses the modified basis of accounting in measuring financial position and operating results for all levels of funding. Fund accounting is utilized for each grant on a computerized accounting software system, Abila Fund Accounting known as MIP. Generally accepted accounting principles and procedures mandated by the DOL and TWC and fiscal procedures as outlined in the TWC Financial Manual of Grants and Contracts (FMGC) are followed.

WFSCB administers programs funded under the Workforce Innovation and Opportunity Act (WIOA), Child Care programs, Temporary Assistance for Needy Families (TANF) Choices Program, Supplemental Nutrition Assistance Program (SNAP), and the Wagner-Peyser Employment Services (ES) Program.

#### **1.5 Scope of Work**

Audit work should be performed during the period of April 1 through April 30 and be completed by May 31, 2023. Audit work can begin earlier if contractor's schedule allows. Contractor will provide the audit report and findings to WFSCB staff and Board of Directors at their respective committee and Board meetings.

Additionally, an annual review (not formal audit) of the subrecipient may be requested to be completed after formal audit but before September 30<sup>th</sup>. Review would include: Payroll review to include compensation and bonuses, disbursements, fiscal and internal controls, applicable insurance coverages, bank reconciliations, accruals, cost allocations, and work experience payroll. A report and work papers would need to be submitted by September 30<sup>th</sup>.

The following specifications should be considered minimum requirements. Addendum items may be inserted into the solicitation specifications should they arise during the solicitation process, which will be made available to all Respondents via the WFSCB website.

##### **Qualifications - Firm Profile**

- Organizational type, operations national, regional, local.
- Location of office that would provide services to WFSCB.

- List of services provided.
- Number of years firm has been providing services.
- Number of similar clients in our industry (Board, non-profit, Workforce Development).
- States in which firm is licensed to conduct business.
- Firm's document (working papers) retention and access policies and requirements.
- Firm's affirmative action plan.
- Firm's failure complete work awarded.
- Information regarding debarment or ineligibility from bidding or providing services.
- Information regarding judgments, claims, arbitration proceedings or suits pending or outstanding against firm, its officers or any of the proposed team members.
- Information regarding firm, its officers or any of the proposed team members involvement in any lawsuits or arbitration with regard to Financial Audit Services contracts within the last sixty (60) months.
- Information regarding any officer or principal of firm being an officer or principal of another firm when it failed to complete a contract.
- Information regarding the firm being the subject of any AICPA or state CPA society ethics referrals.
- When firm will be available to perform work.

### **Qualifications - Experience**

- Services your firm proposes to provide in terms of both financial statements and compliance examination. (Note: the audit work plan should address and demonstrate your understanding of the audit requirements of the Single Audit as specified in OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200.) The audit work plan should specify what work will be accomplished to allow you to render (1) an opinion report on the financial statements (2) a report on the study and evaluation of internal controls, and (3) reporting on the organization's control system to assure compliance.
- Anticipated utilization of WFSCB staff, if applicable. **Note that WFSCB staff is usually unavailable from the 15<sup>th</sup> to the 20<sup>th</sup> of each month due to closing and submission of fiscal report to TWC.**
- Methodology for accomplishing the audit work requirements in a timely and efficient manner, and any special techniques that may be employed to facilitate this first-year engagement. Provide assurances that your firm will complete the audit work within the required timeframe as specified in the RFQ.
- Specify the work papers to be provided by WFSCB staff.
- Approach to develop the most cost-effective method to executing the services.
- Time estimates for each segment of the work plan to be performed by the firm's staff (indicate staff level) to be assigned. Where possible, individual staff members should be named and their titles provided.
- Firm's workspace requirements.

### **Staffing**

- Full time equivalent (FTE) employee count of firm.
- Prior industry experience and training of the partner who will be in charge. Please provide professional education specific to our industry within the past three years.
- Key personnel who will be involved in providing services, for each include name, title, responsibilities, number of years they have been with your firm and the number of years of experience in our industry. Please attach resumes, licenses, credentials, etc.
- How you would provide leadership to facilitate teamwork and communications among all parties involved in the services covered in the scope of work.
- If a member of your team that is depended upon to perform a significant portion of the work on the project can no longer perform the work, how would you handle the change and notify WFSCB of the change in key assignments?
- Organizational chart showing partner in charge, key personnel and responsibilities of each.
- How subcontractors, if any, will be procured and selected.

- Subcontractors that will be used and services they will be providing.
- Statement explaining WFSCB's financial audit needs will be balanced with the needs of your other clients.

#### **Understanding of Scope of Work**

- Statement explaining understanding of the work to be done.
- Statement explaining your interest in the providing services and why your firm is the most qualified to deliver the services.
- Years of direct knowledge working with Workforce Boards.
- Years of experience working with non-profits.
- Fund/Grant accounting experience.
- Knowledge of federal and state administrative regulations, regulatory requirements, open government, public information issues, policies, employment, finance, contracts, and administrative and judicial litigation.
- Experience working with workforce programs such as WIOA, TANF, SNAP, Child Care Programs, TWC and/or DOL programs.
- Most recent peer review results/report including explanation of findings and follow-up actions required by the peer review committee.

#### **Demonstrated Ability/References**

Furnish five (5) references for Single Audits performed in the last five (5) years that meet OMB Circular A-133 guidelines.

#### **Fee/Cost Information**

Although costs will not be considered as part of the evaluation process, a review of hourly rates and expense rates will be conducted to determine reasonableness of costs.

### **1.6 Authority**

All contracts awarded, as a result, of this RFQ must fully comply with applicable federal, state, and local laws, rules, regulations, and policies governing the provision of these services. Additionally, WFSCB's policies and plans are available upon request. Respondents are expected and presumed to be knowledgeable of all applicable federal, state, and local laws, rules, regulations, and policies governing the provision of these services.

### **1.7 Constraints on the Contractor**

The contractor will perform all work under the direction of the President/CEO or designee(s). The Contractor must provide a point of contact.

### **1.8 Subcontracting**

Any subcontracting must be specified in the proposal and approval must be granted by the WFSCB prior to the execution of any contract resulting from this RFQ. All subcontracting is subject to applicable federal, state, and local laws, rules and regulations and policies. If the Respondent proposes to subcontract any of the above services and activities to be provided, the Respondent must indicate which services and activities will be subcontracted and the rationale behind using subcontractors instead of providing the services directly. The Respondent must also describe how subcontractors were (or will be) procured and selected, their qualifications, as well as the basis for payments. Subcontractors are subject to the same requirements as the Respondent under this RFQ and resultant contract.

## **1.9 Legal Concerns**

Respondents must disclose whether there are any legal judgments, claims, arbitration proceedings, or suits pending or outstanding against the firm or its officers. If applicable, this information should be immediately disclosed to WFSCB.

## **1.10 WFSCB Responsibilities**

WFSCB will provide the selected contractor access to all personnel and resources necessary for completion of the work to be performed.

## **PART 2.0 - CONTRACT INFORMATION**

### **2.1 Award Notification**

WFSCB intends to contract with a Respondent based upon qualifications and the categories of services Respondent is able to provide. The actual amount of a contract award will be based on the proposed budget, availability of funds, and the standards for the use of the funds (i.e., all costs must be reasonable and necessary to carry out the planned functions, allowable, and allocable to the proper grant/cost categories.)

### **2.2 Contract Period and Contract Renewals**

The initial contract will be awarded for a period not to exceed twelve (12) months ending on September 30, 2023. The contract may be renewed for three (3) additional one-year periods beyond the original acceptance award for a total not to exceed four (4) years. The contract renewals are at the discretion of the WFSCB and are based on need, availability of funds, satisfactory performance, and successful contract negotiations.

### **2.3 Contract Selection and Appeal Process**

- I. All proposals considered must be responsive to the RFQ instructions.
- II. WFSCB will base its selection on the Respondent's qualifications (firm profile & experience), staffing, understanding of scope of work and demonstrated ability/references. Reasonableness of costs will be conducted but will not be considered as part of the evaluation process.
- III. Any proposal receiving a score of less than 70 will be declared non-responsive.
- IV. WFSCB will make a good faith effort to award contracts to Historically Underutilized Businesses (HUBs).
- V. All Respondents will receive notification of the award status. A Respondent who wishes to appeal the decision will be required to notify WFSCB's President/CEO, in writing, within fifteen (15) days from the date of the notification. The complainant letter must specify the nature of the appeal and any desired remedies of action. WFSCB reserves the right to determine whether the appeal is valid and merits further consideration.

### **2.4 Reassignment**

In the event a contractor fails to perform as required, WFSCB reserves the right to terminate a contract early with a failing or non-compliant contractor( and sign a contract in whole or in part to another successfully performing contractor obtained through this procurement, subject to successful contract negotiations.

### **2.5 Insurance**

The Contractor will be required to maintain insurance coverage for the period of the contract. Contractor must obtain insurance adequate to cover contractor's employees and against personal and bodily injury and property



damage. The following minimum insurance coverage and limitations will be required:

- General liability insurance for personal injury and bodily injury and property damage to a third party. The required minimum coverage shall be \$500,000 per occurrence or \$1,000,000 aggregate.
- Automobile liability insurance in the broad form (applicable if the Contractor uses an automobile whether owned, leased, or non-owned) in conducting its performance under this Contract is required. Such automobile insurance must provide \$100,000 liability per occurrence, \$300,000 aggregate liability and \$100,000 property damage. A reasonable deductible is allowable. Contractor shall maintain up-to-date, on file evidence that employees who drive their own automobile in the normal scope of work performed under this Contract possess a valid Texas drivers license and proof of current liability insurance.
- Errors and Omissions professional liability insurance coverage in the amount of \$1,000,000.
- Workers Compensation insurance shall be required for all the contractor's employees that will be working under this contract. However, if the contractor does not have the insurance coverage, but meets the definition of "Independent Contractor" as defined by the State of Texas, the contractor must sign a waiver agreeing to this independent relationship. The waiver form can be obtained upon request.
- Contractor must provide a Certificate of Liability Insurance containing all of the above coverages with WFSCB as a certificate holder.

## **2.6 Contract for Services**

Contract for services will be based on a cost-reimbursement basis and completion of expected written deliverables. Costs will be paid based on the submittal of an invoice with all supporting documentation.

## **2.7 Invoice for Payment**

Payment for contracted services will be reimbursed by submitting an invoice with proper documentation by the tenth (10<sup>th</sup>) of each month for costs incurred during the previous month. The invoice will be submitted to the WFSCB's fiscal department for payment. Invoice will be paid within three (3) weeks of receipt of complete and accurate information.

Invoices(s) shall be submitted to the fiscal department via e-mail at: [fiscal@workforcesolutionscb.org](mailto:fiscal@workforcesolutionscb.org)

## **2.8 Travel Reimbursement**

WFSCB follows the State Coordination of Travel rule and the GSA's federal Domestic Maximum Per Diem Rates. Travel costs may include lodging, meals, airfare, car rentals, and mileage. Travel reimbursements will not exceed the current State travel rates. Reimbursement requests for lodging, airfare, and car rentals will include receipts for actual cost.

Transportation expenses will be reimbursed only for the quickest and most economical means of transportation to reach the desired location. An individual choosing to take another means of transportation will be reimbursed only at the cost of the quickest and least expensive means of transportation. Car rental, taxis, and other forms of ground transportation must comply with this policy of quickest and most economical means. Coordination of travel must occur when two, three, or four authorized travelers travel on the same dates with the same itinerary to conduct the same

business. When coordination of travel is required, WFSCB may reimburse only one of the authorized travelers for mileage.

Costs for travel must have prior written approval from WFSCB. Due to unforeseen circumstances, WFSCB may need to re-schedule events. Consequently, WFSCB will make every effort to provide prior notice to contractors. However, if applicable, we advise contractors not to purchase non-refundable airfare tickets. WFSCB will not be responsible for reimbursing contractors for any unused non-refundable airfare tickets.

### **PART 3.0 - GOVERNING CONDITIONS AND LIMITATIONS**

- 3.1 WFSCB reserves the right to accept or reject any or all proposals submitted.
- 3.2 WFSCB is exempt by law from payment of Texas Sales Tax and Federal Excise Tax.
- 3.3 The only purpose of this RFQ is to ensure uniform information in the solicitation of proposals for the procurement of Financial Audit Services. This RFQ is not to be construed as a purchase agreement, contract or as a commitment of any kind; nor does it commit WFSCB to pay for any costs incurred prior to the execution of any contract or payment agreement unless such costs are specifically authorized in writing by WFSCB. All agreements are contingent upon availability of funds from the U.S. Department of Labor and/or Texas Workforce Commission.
- 3.4 The intent of this RFQ is to identify the various contract alternatives and estimates of costs for the items solicited. WFSCB is under no legal requirement to execute a contract or payment agreement from any proposal submitted.
- 3.5 WFSCB reserves the right to award a contract(s) for any services solicited in this RFQ in any quantity WFSCB determines is in its best interest.
- 3.6 WFSCB reserves the right to extend, shorten, increase, or decrease any contract awarded as a result of this RFQ.
- 3.7 WFSCB reserves the right to request additional information, clarification of or explanation for any aspect of a proposal to this RFQ.
- 3.8 Respondents shall not make offers of gratuities or favors, to any officer, employee, Board member of WFSCB, or any subcontractor employees of WFSCB. Contact for technical assistance is allowed with the RFQ contact person or designated WFSCB Board staff. Violation of this instruction will result in immediate rejection of the proposal.
- 3.9 WFSCB specifically reserves the right to vary the provisions set herein any time prior to the execution of the contract or payment agreement where such variance is deemed to be in the best interest of WFSCB.
- 3.10 All proposals and their accompanying attachments will become property of the WFSCB after submission and materials will not be returned. In addition, all materials that are produced as a result, of this RFQ become property of WFSCB.
- 3.11 The contents of a successful proposal may become contractual obligations if a contract or payment agreement is awarded. Failure of the Respondent to accept those obligations may result in the cancellation of the proposal for selection. The contents and requirements of this RFQ may be incorporated into any legally

binding and duly negotiated contract between WFSCB and the selected Respondent.

- 3.12 WFSCB reserves the right to select and/or contract with more than one Respondent from the proposals submitted.
- 3.13 Costs incurred by a contracted entity in the delivery of services shall be reimbursed based on mutually agreed on conditions and delivery schedules with the submission of appropriate documentation. Delivered services must meet standards agreed upon during contract negotiations before reimbursement is made.
- 3.14 Upon award of a contract, Contractors must provide proof of the following required insurance coverages: General Liability Insurance consisting of coverage for personal injury and bodily injury and property damage to a third party. The required minimum coverage shall be \$500,000 per occurrence or \$1,000,000 aggregate. If the Contractor does not have the required general liability insurance, WFSCB will assess the need for such insurance, on a case-by-case basis. Workers Compensation Insurance will be required for all employees that will be working under a contract with WFSCB. However, if the Contractor meets the definition of "Independent Contractor", as defined by the State of Texas, the Contractor must sign a waiver agreeing to this independent relationship. The waiver form can be provided upon request.
- 3.15 The Respondent must be current in Unemployment Insurance taxes, Payday and Child Care Labor Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas and has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.
- 3.16 The proposer certifies that the business entity is eligible pursuant to Texas Family Code Section 231.006 to receive the grant and acknowledges that any grant award resulting from this RFQ may be terminated and payment may be withheld if this certification is inaccurate. If a board member, corporate officer, individual, or controlling officer of the awardees' fiscal agent is more than 30 days in arrears in payment of an obligation of child support, the awardee acknowledges that payments under the grant award resulting from this RFQ may be suspended and/or the contract cancelled.
- 3.17 WFSCB is an Equal Opportunity Employer and complies fully with the nondiscrimination and equal opportunity provisions of the applicable laws. Each organization or individual that submits a proposal to a solicitation warrants and assures that it will comply fully with the nondiscrimination and equal opportunity provisions as required by 29 CFR 38.2(1). Each applicant for financial assistance under Title I of Workforce Innovation and Opportunity Act (WIOA), as defined in §38.4, must include the following assurance:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I—financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified Individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

**PART 4.0 – PROCUREMENT SCHEDULE**

**4.1 Procurement Schedule**

<b>Title</b>	RFQ for Financial Audit Services
<b>Number</b>	RFQ No. 23-03
<b>Issue Date</b>	February 21, 2023 @ 2:00 pm
<b>Pre-Proposal Conference</b>	February 27, 2023 @ 10:00 am
<b>Period for Submittal of Written Questions</b>	February 21 – March 1, 2023 @ 5:00 pm
<b>Issue Responses to Questions</b>	March 3, 2023 @ 5:00 pm
<b>Proposal Submission Deadline</b>	March 15, 2023 @ 4:00 pm
<b>Submission of Proposal</b>	Workforce Solutions of the Coastal Bend ATTN: Esther Velazquez, Contracts and Procurement Specialist <a href="mailto:esther.velazquez@workforcesolutionscb.org">esther.velazquez@workforcesolutionscb.org</a>
<b>Proposal Evaluation Period</b>	March 16–20, 2023
<b>Interviews</b>	March 23 & 24, 2023
<b>Notifications of Award &amp; Non-Selection</b>	March 27, 2023
<b>Projected Contract Start Date</b>	April 1, 2023

All times indicated above are Central Time and dates are subject to change. Respondents shall be responsible for monitoring the WFSCB website at <https://www.workforcesolutionscb.org/about-us/procurement-opportunities/> for any updates pertaining to this solicitation. WFSCB will not be held responsible for any further communication beyond updating the website.

**4.2 Pre-Proposal Conference**

A Pre-Proposal Conference to explain or clarify the RFQ and to answer other questions will be held on February 27, 2023 at 10:00 am. Attendance at this conference is not mandatory, but strongly recommended. The Pre-Proposal Conference will be held at WFSCB's Administrative Offices, 400 Mann Street, Suite 800, Corpus Christi, Texas 78401, Main Conference Room. Parties unable to attend in person may participate virtually from a computer, tablet, or smart phone via Zoom:

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89306251099?pwd=OFRRd2hhcDF1UzM1U0oxeEhXK1pNUT09>

**Meeting ID:** 893 0625 1099

**Passcode:** 236766

**Toll-Free Call In:** 888 475 4499

Questions regarding the solicitation must be submitted in writing via email to Esther Velazquez, Contracts and Procurement Specialist at [esther.velazquez@workforcesolutionscb.org](mailto:esther.velazquez@workforcesolutionscb.org) by 5:00 pm on March 1, 2023. A copy of the questions submitted and WFSCB's response to the questions will be posted at

WFSCB reserves the right to modify these dates. Notice of any date changes will be posted to WFSCB's website.

## 5.0 – PROPOSAL SUBMISSION REQUIREMENTS

### 5.1 – Administrative Guidance

The information provided herein is intended to assist Respondents in the preparation of a proposal necessary to properly respond to this RFQ but is not intended to limit a submission's content or to exclude any relevant or essential data therefrom. Respondents are at liberty and encouraged to expand upon the specifications to give additional evidence of their ability to provide the services requested in this RFQ.

### 5.2 – Proposal Outline

Proposals should be prepared in a concise manner. Clarity of content and completeness are essential. Pertinent supplemental information should be referenced and included. A letter of transmittal is optional. Proposals must be submitted with the following sections:

**Checklist / Table of Contents:** list all sections and the page numbers on which each section begins.

**General Information:** provide all information requested on page 17 of this RFQ.

**Qualifications – Firm Profile:** provide all information requested on page 18 of this RFQ.

**Qualifications – Experience:** provide all information requested on page 19 of this RFQ.

**Staffing:** provide all information requested on page 20 of this RFQ.

**Understanding of Scope of Work:** provide all information requested on page 21 of this RFQ.

**Demonstrated Ability/References:** provide five (5) references for Single Audits performed within the last five (5) years by providing all information requested on page 22 of this RFQ.

**Fee/Cost Information:** provide all information requested on page 23 of this RFQ.

**Certifications & Assurances:** Respondent must complete, sign/date, and submit the following certifications:

**Attachment A:** Certifications Regarding Lobbying, Debarment, and Other Responsibility Matters, and Drug-Free Workplace Requirements

**Attachment B:** Texas Corporate Franchise Tax Certification

**Attachment C:** State Assessment Certification

**Attachment D:** Disclosure of Interest

**Attachment E:** Undocumented Workers Certification

**Attachment F:** Orientation to Complaint Procedures for Service Providers

Failure to provide written responses to items indicated in this RFQ will be interpreted by WFSCB as an inability by the Contractor to provide the requested product, service, or function.

### **5.3 – Proposal Format**

Proposals may be submitted either in paper or electronically. If submitting in paper, Respondent must submit an original version with all executed forms and certificates with original signatures **and** one (1) electronic version transmitted via e-mail. Any differences between the original paper version and the electronic version are at the liability of the Respondent. Failure to submit the items stated under this Section and Part 5.0, Proposal Submission Requirements, will be ruled unresponsive to the specifications and will not be considered under this procurement.

Please send the electronic version via e-mail to [esther.velazquez@workforcesolutionscb.org](mailto:esther.velazquez@workforcesolutionscb.org). The electronic version must contain all required e-signatures.

Faxed or late proposals will be ineligible and not accepted for consideration.

It is the responsibility of the Respondent to ensure that the proposal is received in WFSCB offices by the designated due date and time. WFSCB assumes no responsibility for delays caused by postage, mail courier deliveries, or any other form of delivery.

### **5.4 – Budget Information**

Reasonableness of costs will be reviewed but will not be considered as part of the rating.

Proposed or negotiated costs must remain firm for the initial year of the contract. Increases in fees/costs after the initial year may be proposed, however, must be requested in writing and be supported by proper justification.

### **5.5– Restrictions on Communication**

Respondent, or any agent or representative of Respondent shall not undertake any activities or actions to promote or advertise their qualifications or submissions to any staff member of WFSCB, WFSCB's Board of Directors, WFSCB's CEO Council or their respective staff persons, at any time between the date of release of the RFQ and the date of award of a contract by WFSCB. This restriction extends to "thank you" letters, telephone calls, emails, text messages and any contact that results in the direct or indirect discussion of the RFQ and/or proposal submitted by Respondent. Violation of this provision by Respondent or any agent of Respondent may lead to disqualification of the proposal from consideration.

## **PART 6.0 – PROPOSAL EVALUATION AND SELECTION PROCESS**

### **6.1 – Evaluation Process**

All proposals will be screened for inclusion of all required information prior to release to the evaluation team. WFSCB may exclude from further consideration for contract award any non-responsive proposal. For proposals to be considered responsive, the following requirements must be met:

1. The proposal must have been submitted within the RFQ deadline.
2. If submitting in paper, proposal must contain original signatures, an electronic version must also be submitted via email.
3. Electronic submissions must contain e-signatures.
4. The proposal must be for the specific services requested and described in paragraph 1.5 Scope of Work.
5. The proposal must be submitted in the format described in section 5.0 Proposal Submission Requirements.

Proposals deemed as responsive will then be evaluated and WFSCB will base its selection on qualifications (firm

profile & experience) staffing, understanding of the scope of work and demonstrated ability/references. Reasonableness of cost will also be reviewed but will not be considered as part of the rating process. Respondents may earn additional points if they are currently certified as a HUB by the State of Texas Comptroller of Public Accounts.

WFSCB may use Board staff/members, independent evaluators, or a combination of both to evaluate and rank proposals.

After evaluation, an award may be made, on the basis, of the evaluation and ranking, without discussion, clarification, or modification, or the WFSCB may enter into negotiations with the highest ranked Respondent. If WFSCB is unable to reach agreement with the highest ranked Respondent, the negotiations will terminate and negotiations will begin with the next Respondent in the order of the ranking until a contract is reached or the Board has rejected all proposals.

NOTE: After evaluation, any proposal with a total of 69 points or less will be considered as non-responsive and will be disqualified from further consideration. Proposals receiving a final score of 70 or better are not guaranteed an award.

The WFSCB will make a good faith effort to award contracts to HUBs.

## **6.2 – Proposal Evaluation Criteria**

The review and selection process will include the following criteria and value system:

### **Qualifications: Firm Profile & Experience (Value 50 points)**

This criterion examines the Respondent's qualifications, knowledge, skills and approach derived from actual audit work experiences with workforce development programs.

### **Staffing (Value 30 points)**

This criterion measures Respondent's availability of staff with professional qualifications and technical abilities to perform the services requested. Points will be awarded based on Respondent's plan for delivering the services with the appropriate personnel and other technical resources available and designated for this contract.

### **Understanding of Scope of Work (Value 10 points)**

This criterion evaluates Respondent's understanding of WFSCB's needs, services and the OMB Uniform Guidance. Respondent's experience should include knowledge of federal and state administrative regulations, regulatory requirements, open government, public information issues, policies, employment, finance, contracts, and administrative and judicial litigation. Peer Review and external quality control reviews will be evaluated as factors in selecting an auditor.

### **Demonstrated Ability/References (Value 10 points)**

This criterion evaluates the amount of Respondent's past experience in dealing with Workforce Development Boards and other state and local entities within the last five (5) years. References will be verified and evaluated for the following:

- Five (5) distinct references provided.
- Number of Responses: how many respond to our reference check.
- Quality of Response: a positive and informative response that demonstrates performance.

### **HUB Certification (Value 5 points)**

Historically Under-Utilized Business (HUB) as certified by the State of Texas. To earn points, the Respondent must provide a current copy of the certification.

**Total Maximum Points 105**

**6.3- Oral Presentation/Interviews**

Firms responding to the RFQ may be required to provide an oral presentation of their proposal. Additional technical and/or cost information may be requested for clarification purposes, but in no way will change the original proposal submitted.

Interviews are optional and may or may not be conducted. If an interview is conducted, it is essential that key staff assigned to the proposed work, as well as other key representatives, be present at and participate in the interview.

**PART 7.0 – FORMS AND ATTACHMENTS as follows**



## EXAMPLE RESPONSE DOCUMENT

### GENERAL INFORMATION

- A. Legal name of Respondent firm:
- B. Assumed names under which Respondent firm has operated:
- C. Physical Address:
- D. Mailing Address:
- E. Primary Contact Name: should be an individual authorized to make representations on behalf of Respondent
- F. Primary Contact Title:
- G. Primary Contact Telephone Number:
- H. Primary Contact Email Address:
- I. Primary Contact
- J. Names, titles and contact information of other individuals authorized to make representations on behalf of Respondent.
- K. Respondent acknowledges that if awarded the contract, it can provide all of the required proof of insurance coverages.
- L. Is Respondent firm registered with the State of Texas as a Historically Underutilized Business (HUB)?

If yes, please provide HUB Certification Number and include a copy of certification as part of this Response Document.

By signing below I certify the following:

Acceptance of the terms and conditions of this RFQ.

Proposal will remain in effect until a contract has been finalized and a purchase order has been issued by WFSCB to the awarded contractor.

Respondent firm currently has the required insurance coverage or will purchase upon award of the contract. Please attach specimen Certificate of Liability Insurance showing insurance coverage currently maintained.

The information provided above is accurate and I am authorized to make representations on behalf of and legally bind Respondent firm.

\_\_\_\_\_  
Name of Certifying Person

\_\_\_\_\_  
Title of Certifying Person

\_\_\_\_\_  
Signature of Certifying Person

\_\_\_\_\_  
Date

## EXAMPLE RESPONSE DOCUMENT

### QUALIFICATIONS - FIRM PROFILE

Please provide the following:

- A. Organizational type:
- B. Are operations national, regional, local?
- C. Location of office that would provide services to WFSCB.
- D. List of services provided by your firm.
- E. Number of years firm has been providing these services.
- F. Number of similar clients in our industry (Board, non-profit, Workforce Development):
- G. States in which firm is licensed to conduct business.
- H. Describe firm's document (working papers) retention and access policies and requirements.
- I. Does your firm's cyber security standards adhere to the Texas DIR standard, NIST, TWC WD Letters and included but not limited to Texas Government Code 2054.077?
- J. Your firm's affirmative action plan. If there is no formal plan, please provide your firm's statement adhering to affirmative action.
- K. Has your firm ever failed to complete any work awarded?
- L. Has your firm ever been debarred, or otherwise declared ineligible by any public agency from bidding or providing services?
- M. Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your firm, its officers or any of the proposed team members?
- N. Has your firm, its officers or any of the proposed team members filed or been involved in any lawsuits or requested arbitration with regard to Financial Audit services contracts within the last sixty (60) months?
- O. Within the last sixty (60) months, has any officer or principal of your firm ever been an officer or principal of another firm when it failed to complete a contract?
- P. Has the firm been the subject of any AICPA or state CPA society ethics referrals?
- Q. When will firm be available to perform services?

## EXAMPLE RESPONSE DOCUMENT

### QUALIFICATIONS - EXPERIENCE

This criterion examines the Respondent's qualifications, knowledge, skills and approach derived from actual audit work experiences with workforce development programs.

Please provide the following:

- A. Describe the services your firm proposes to provide in terms of both financial statements and compliance examination. (Note: the audit work plan should address and demonstrate your understanding of the audit requirements of the Single Audit as specified in OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR 200.) The audit work plan should specify what work will be accomplished to allow you to render (1) an opinion report on the financial statements (2) a report on the study and evaluation of internal controls, and (3) reporting on the organization's control system to assure compliance.
- B. Describe your anticipated utilization of WFSCB staff, if applicable. **Note that WFSCB staff is usually unavailable from the 15<sup>th</sup> to the 20<sup>th</sup> of each month due to closing and submission of fiscal report to TWC.**
- C. Describe methodology for accomplishing the audit work requirements in a timely and efficient manner, and any special techniques that may be employed to facilitate this first-year engagement. Provide assurances that your firm will complete the audit work within the required timeframe as specified in the RFQ.
- D. Specify the work papers to be provided by WFSCB staff.
- E. Describe your approach to develop the most cost-effective method to executing the services.
- F. Provide time estimates for each segment of the work plan to be performed by the firm's staff (indicate staff level) to be assigned. Where possible, individual staff members should be named and their titles provided.
- G. What are the firm's workspace requirements?

## EXAMPLE RESPONSE DOCUMENT

### STAFFING

This criterion measures Respondent's availability of staff with professional qualifications and technical abilities to perform the services requested. Points will be awarded based on Respondent's plan for delivering the services with the appropriate personnel and other technical resources available and designated for this contract.

- A. Full time equivalent (FTE) employee count of your firm:
- B. Prior industry experience and training of the partner who will be in charge. Please provide professional education specific to our industry within the past three years.
- C. List of key personnel who will be involved in providing services, for each include name, title, responsibilities, number of years they have been with your firm and the number of years of experience in our industry. Please attach resumes, licenses, credentials, etc.
- D. Discuss how you would provide leadership to facilitate teamwork and communications among all parties involved in the services covered in the scope of work.
- E. If a member of your team that is depended upon to perform a significant portion of the work on the project can no longer perform the work, how would you handle the change and notify WFSCB of the change in key assignments?
- F. Organizational chart showing partner in charge, key personnel and responsibilities of each.
- G. Statement explaining how subcontractors, if any, will be procured and selected.
- H. List of subcontractors that will be used and services they will be providing.
- I. Statement explaining WFSCB's financial audit needs will be balanced with the needs of your other clients.

## EXAMPLE RESPONSE DOCUMENT

### UNDERSTANDING OF SCOPE OF WORK

This criterion evaluates Respondent's understanding of WFSCB's needs, services and the Uniform Guidance. Respondent's experience should include knowledge of federal and state administrative regulations, regulatory requirements, open government, public information issues, policies, employment, finance, contracts, and administrative and judicial litigation. Peer review and external quality control reviews will be evaluated as factors in selecting an auditor.

Please provide the following:

- A. Statement explaining understanding of the work to be done.
- B. Statement explaining your interest in the providing services and why your firm is the most qualified to deliver the services.
- C. How many years of direct knowledge working with Workforce Boards?
- D. How many years of experience working with non-profits?
- E. Describe experience with fund/grant accounting.
- F. Describe knowledge, understanding and experience with federal and state administrative regulations, regulatory requirements, open government, public information issues, policies, employment, finance, contracts, and administrative and judicial litigation.
- G. Describe experience working with workforce programs such as WIOA, TANF, SNAP, Child Care Programs, TWC and/or DOL programs.
- H. Has a peer review been conducted in the last three (3) years? Please attach after this page.
- I. Did the peer review result in an unmodified report? If not, provide an explanation of finding and explain any follow-up action required by the peer review committee.

## EXAMPLE RESPONSE DOCUMENT

### DEMONSTRATED ABILITY / REFERENCES

This criterion evaluates the amount of Respondent's past experience in dealing with Workforce Development Boards and other state and local entities within the last five (5) years.

Please furnish five (5) references for Single Audits performed that meet OMB Circular A-133 guidelines in the last five (5) years. As a part of the evaluation process, WFSCB will be contacting references. If references fail to respond in a timely manner, points awarded in this category will be negatively impacted in this criterion.

Please provide the following information for each:

Organization Name:

Organization Address:

Contact Name:

Contact Title:

Contact Telephone Number:

Contact Email Address:

Types of Services Provided:

Was this audit performed under the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards at CFR 200?

## EXAMPLE RESPONSE DOCUMENT

### FEE / COST INFORMATION

Although costs will not be considered as part of the evaluation process, a review will be conducted to determine reasonableness of costs. The fee schedule should include hourly billings for the services listed below (if applicable) and how the amount was computed.

1. Attendance at quarterly committee and Board meetings (per meeting or per hour)
2. Partner Time (per hour)
3. Manager Time (per hour)
4. Senior Time (per hour)
5. Staff Time (per hour)
6. Copying Charges
7. Telephone/Facsimile Charges (local & long distance)
8. Mileage
9. Any other applicable related charges (please specify)

## EXAMPLE RESPONSE DOCUMENT

### ATTACHMENT A

#### CERTIFICATONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS, AND DRUG-FREE WORKPLACE REQUIREMENTS

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Lobbying: This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code, for the Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

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The undersigned contractor certifies that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
  - (2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form – LLL, “Disclosure Form to Report Lobbying”, in accordance with its instructions.
  - (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- 

Debarment, Suspension, and Other Responsibility Matters: This certification is required by the Federal Regulations, implementing, Executive Order 12549, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).

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The undersigned contractor certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- (2) Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State or Local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;



- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
- (4) Have not within a three-year period preceding this contract had one or more public transactions terminated for cause or default.

Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective recipient shall attach an explanation to this certification.

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Drug-Free Workplace: This certification is required by the Federal Regulations, implementing Sections 5151-5160 of the Drug-Free Workplace Act, 41 U.S.C. 701; for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), and Department of Health and Human Services (45 CFR Part 76).

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The undersigned contractor certifies that it shall provide a drug-free workplace by:

- (a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (b) Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
- (c) Providing each employee with a copy of the Contractor's policy statement;
- (d) Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall abide by the terms of the policy statement and notifying the Contractor in writing within five days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
- (e) Notifying the Commission within ten days of Contractor's receipt of a notice of a conviction of an employee; and,
- (f) Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or require such employee to participate in a drug abuse assistance or rehabilitation program.

These certifications are a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

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Name of Authorized Representative

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Title of Authorized Representative

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Signature of Authorized Representative

---

Date

**EXAMPLE RESPONSE DOCUMENT**

**ATTACHMENT B**

**TEXAS CORPORATE FRANCHISE TAX CERTIFICATION**

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Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with for profit corporations that are delinquent in making state franchise tax payments. The following certification that the corporation entering into this contract is current in its franchise taxes must be signed by the individual on Form 203, Corporate Board of Directors Resolution, to sign the contract for the corporation.

---

The undersigned authorized representative of the corporation contracting herein certifies that the following indicated statement is true and correct and that the undersigned understands making a false statement is a material breach of contract and is grounds for contract cancellation.

Indicate the certification that applies to your corporation:

\_\_\_\_\_ The Corporation is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

\_\_\_\_\_ The corporation is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

**EXAMPLE RESPONSE DOCUMENT**

**ATTACHMENT C**

**STATE ASSESSMENT CERTIFICATION**

The undersigned authorized representative of the corporation contracting herein certifies that the following indicated statement is true and correct and that the undersigned understands making a false statement is a material breach of contract and is grounds for contract cancellation.

The corporation certifies that:

\_\_\_\_\_ It is current in Unemployment Insurance taxes, Payday and Child Labor law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas.

\_\_\_\_\_ It has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.

\_\_\_\_\_  
Name of Certifying Person

\_\_\_\_\_  
Title of Certifying Person

\_\_\_\_\_  
Signature of Certifying Person

\_\_\_\_\_  
Date

**EXAMPLE RESPONSE DOCUMENT**

**ATTACHMENT D**

**Coastal Bend Workforce Development Board**

**DISCLOSURE OF INTEREST**

It is the fiscal policy of the Coastal Bend Workforce Development Board (“the Board”) that all persons or firms seeking to do business with the Board to provide the following information. Every question must be answered. If the question is not applicable, answer with “NA”.

FIRM NAME: \_\_\_\_\_

P.O.BOX: \_\_\_\_\_

STREET: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

FIRM IS:

1. Corporation  2. Partnership  3. Sole Owner  4. Association  5. Other  \_\_\_\_\_

**DISCLOSURE QUESTIONS**

**If additional space is necessary, please use the reverse side of this page or attach separate sheet.**

1. State the name of each “non-managerial employee” of the Board having an “ownership interest” constituting 5% or more or the ownership in the above named “firm” or who is an officer, director, employee, or consultant employed or associated with your organization:

<b>Name</b>	<b>Job Title and Section (if known)</b>
_____	_____
_____	_____

2. State the names of each “managerial employee” of the Board having an “ownership interest” constituting 5% or more of the ownership in the above named “firm” or who is an officer, director, employee, or consultant employed or associated with your organization:

<b>Name</b>	<b>Title</b>
_____	_____
_____	_____

3. State the names of each “board member” of the Board having an “ownership interest” constituting 5% or more of the ownership in the above named “firm” or who is an officer, director, employee, or consultant employed or associated with your organization:

Name	Board, Commission, or Committee
_____	_____
_____	_____

4. State the names of each employee or officer of a “consultant” of the Board who worked on any matter related to the subject of this contract and has an “ownership interest” constituting 5% or more of the ownership in the above named “firm” or is an officer, director, employee, or consultant employed or associated with your organization:

Name	Title
_____	_____
_____	_____

**CERTIFICATE**

I certify that all information provided is true and correct as of the date of this statement, that I have not knowingly withheld disclosure of any information request; and that supplemental statement will be promptly submitted to the Coastal Bend Workforce Development Board, as changes occur.

\_\_\_\_\_  
Name of Certifying Person

\_\_\_\_\_  
Title of Certifying Person

\_\_\_\_\_  
Signature of Certifying Person

\_\_\_\_\_  
Date

**EXAMPLE RESPONSE DOCUMENT**

**ATTACHMENT E**

**Coastal Bend Workforce Development Board**

**UNDOCUMENTED WORKER CERTIFICATION**

Effective September 1, 2007, HB 1196 amended Subtitle F, Title 10, of the Texas Government Code to add Subsection 2264. Chapter 2264 directs public agencies, state or local taxing jurisdictions, and economic development corporations (public entities) to require that any business submitting an application to receive public subsidies include in the application a statement certifying that the business, or branch, division or department of the business does not and will not knowingly employ an undocumented worker.

In the event that a business grantee is found in violation of 8U.S.C. subsection 1324a(f), consistent with the requirements of Texas Government Code subsection 2264, Boards are permitted to bring a civil action to recover any amounts owed, as well as court costs and reasonable attorney's fees.

Penalties incurred by business grantees shall be assessed damages at a rate of 20% of contract award. Said damages shall be made payable to the Board within 120 days of receiving the notice of violation.

**DEFINITION OF TERMS**

Public Subsidy – is broadly defined Texas Government Code §2264.001 (3) as a public program or public benefit or assistance of any type that is designed to stimulate the economic development of a corporation, industry, or sector of the state's economy or to create or retain jobs in Texas. The term includes, among other things, bonds, grants, loans, loan guarantees, benefits relating to an enterprise or empowerment zone, infrastructure development and improvements designed to principally benefit a single business or defined group of businesses, and matching funds. The Commission's Office of General Counsel has found that HB 1196 does not apply to the acquisition of goods and services.

Undocumented Worker – is defined as an individual who, at the time of employment, is not lawfully admitted for permanent residence in the United States, or is not authorized under law to be employed in that manner in the United States.

**CERTIFICATION**

Contractor certifies that no undocumented workers will be employed during the execution of this contract. By the signature indicated below, the contractor verifies their understanding of the terms and conditions of this requirement.

\_\_\_\_\_  
Name of Certifying Person

\_\_\_\_\_  
Title of Certifying Person

\_\_\_\_\_  
Signature of Certifying Person

\_\_\_\_\_  
Date

## **EXAMPLE RESPONSE DOCUMENT**

### **ATTACHMENT F**

#### **Coastal Bend Workforce Development Board**

#### **ORIENTATION TO COMPLAINT PROCEDURES FOR SERVICE PROVIDERS**

The policy of the Coastal Bend Workforce Development Board (the Board) is to resolve complaints in a fair and prompt manner. The Board's administrative directive on GRIEVANCE PROCEDURE establishes the guidelines for the resolution of grievances/complaints and requires this orientation sheet be received and acknowledged by all individuals or organizations providing services to the Board under contract or agreement.

Acts of restraint, interference, coercion, discrimination or reprisal towards complainants exercising their rights to a file a grievance under Board policy are prohibited. A complainant is the individual or organization filing a grievance/complaint. A respondent is the individual or organization against whom a grievance/complaint is filed. Inquiries regarding the resolution of grievances should be addressed to:

Coastal Bend Workforce Development Board  
ATTN: EO Officer  
520 North Staples Street  
P.O. Box 2568  
Corpus Christi, Texas 78403  
Telephone: (361) 885-3019

Every effort should be made to resolve your grievance at the optimum management level. The Board's EO Officer is available to assist, as necessary, in the grievance resolution process.

The time limit to file a complaint under the Board's grievance procedure is 30 calendar days from the date of the event that leads to the filing of the grievance. A copy of the Board's Policy and Procedure is available upon request.

#### **EQUAL OPPORTUNITY IS THE LAW**

The Board is prohibited from discriminating on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only. If you think that you have been subjected to discrimination, you may file a complaint within 180 days from the date of the alleged violation with the Equal Opportunity Officer at the:

TEXAS WORKFORCE COMMISSION  
WORKFORCE DEVELOPMENT DIVISION  
EQUAL OPPORTUNITY OFFICE  
101 E. 15<sup>th</sup> STREET  
AUSTIN, TEXAS 78778  
Telephones: (512) 463-2400; (TDD): 1-800-RELAY TX, Voice 1-800-RELAY VV.

or you may file a complaint directly with the:

DIRECTOR, DIRECTORATE OF CIVIL RIGHTS (DCR)  
U.S. DEPARTMENT OF LABOR  
200 CONSTITUTION AVENUE NW, ROOM N4123  
WASHINGTON, D.C. 20210

If you elect to file your complaint with the Texas Workforce Commission (TWC), you must wait until the TWC issues a decision or until 60 days have passed, whichever is sooner, before filing with DCR (see address above). If the TWC has not provided you with a written decision within 60 days of the filing of the complaint, you need not wait for a decision to be issued, but may file a complaint with DCR within 30 days of the expiration of the 60-day period. If you are dissatisfied with the TWC's resolution of your complaint, you may file a complaint must be filed within 30 days of the date you received notice of the TWC's proposed resolution.

By my signature below, I acknowledge this orientation to the Board's complaint procedures for services providers and the statement regarding EQUAL OPPORTUNITY IS THE LAW:

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date